

Message

From: Brynn.Lacabanne@deq.idaho.gov [Brynn.Lacabanne@deq.idaho.gov]
Sent: 4/19/2021 7:17:27 PM
To: Levo, Brian [Levo.Brian@epa.gov]
CC: Lopez, Maria [Lopez.Maria@epa.gov]
Subject: RE: Complaint Tracker - COMPLAINT #: 171433
Attachments: FW: {External}RE: Friends Dairy Complaint

Brian,

No formal report from ISDA on the Friends Dairy investigation. Just an email update sent from the inspector to Mitch (supervisor).

Hope this helps. Note, the attachments in the email are items we provided to them, so they're duplicates of what you already have.



Brynn M. Lacabanne | IPDES Compliance and Enforcement Supervisor
Idaho Department of Environmental Quality
1410 N Hilton St, Boise, ID 83706
Office: (208) 373-0289
<http://www.deq.idaho.gov/>

Go green! Please print this email only when necessary.

From: Levo, Brian [mailto:Levo.Brian@epa.gov]
Sent: Tuesday, April 06, 2021 2:46 PM
To: Brynn Lacabanne
Cc: Lopez, Maria
Subject: RE: Complaint Tracker - COMPLAINT #: 171433

That is helpful. Do you know if ISDA plans to write a report or summary of their field visit? It would be good for us to have that in case this matter changes.

I appreciate you forwarding the various photos/videos, and other information previously too.

Brian Levo
NPDES Enforcement Coordinator
Surface Water Enforcement Section
U.S. Environmental Protection Agency - Region 10
1200 6th Avenue, Suite 155, MS 20-C04, Seattle, WA 98101
Phone: (206) 553-1816, Fax: (206) 553-4743

From: Brynn.Lacabanne@deq.idaho.gov <Brynn.Lacabanne@deq.idaho.gov>
Sent: Tuesday, April 6, 2021 1:25 PM
To: Levo, Brian <Levo.Brian@epa.gov>
Cc: Lopez, Maria <Lopez.Maria@epa.gov>
Subject: RE: Complaint Tracker - COMPLAINT #: 171433

Brian – I spoke with ISDA today. They went out to the site, and everything was in compliance with their rules. They said they didn't see any evidence of a discharge. They believe [REDACTED] (complainant) hasn't seen anybody land applying manure before and isn't familiar with the rules/requirements.

So, in short – nothing NPDES to be concerned about.

From: Brynn Lacabanne
Sent: Monday, March 29, 2021 4:05 PM
To: 'Levo, Brian'
Cc: 'Lopez, Maria'
Subject: RE: Complaint Tracker - COMPLAINT #: 171433

Ex. 6 Personal Privacy (PP)

From: Levo, Brian [<mailto:Levo.Brian@epa.gov>]
Sent: Monday, March 29, 2021 2:54 PM
To: Brynn Lacabanne; Lopez, Maria
Subject: RE: Complaint Tracker - COMPLAINT #: 171433

Hi Brynn, is there an update on this matter? We've received a complaint in our Boise office regarding this issue. I don't believe the information provided is anything new/different than what you'd forwarded below.

Brian Levo
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Surface Water Enforcement Section
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1200 6th Avenue, Suite 155, MS 20-C04, Seattle, WA 98101
Phone: (206) 553-1816, Fax: (206) 553-4743

From: Levo, Brian
Sent: Wednesday, March 24, 2021 11:33 AM
To: Brynn.Lacabanne@deq.idaho.gov; Lopez, Maria <Lopez.Maria@epa.gov>
Subject: RE: Complaint Tracker - COMPLAINT #: 171433

Understood. Thanks for letting us know and keep us in the loop about what ISDA finds.

Brian Levo
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Phone: (206) 553-1816, Fax: (206) 553-4743

From: Brynn.Lacabanne@deq.idaho.gov <Brynn.Lacabanne@deq.idaho.gov>
Sent: Tuesday, March 23, 2021 3:31 PM
To: Levo, Brian <Levo.Brian@epa.gov>; Lopez, Maria <Lopez.Maria@epa.gov>
Subject: FW: Complaint Tracker - COMPLAINT #: 171433

Just an FYI for now. We have no information at this time about whether this dairy qualifies as a CAFO or not. I've asked ISDA to investigate.



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From: Complaint Tracker [<mailto:noreply@deq.idaho.gov>]
Sent: Tuesday, March 23, 2021 3:00 PM
To: Emily Montague; James Craft; Valerie Greear; Brynn Lacabanne
Subject: Complaint Tracker - COMPLAINT #: 171433

A complaint has been added or updated in Complaint Tracker, and you are on the notification list.
Click [here](#) to see the Complaint (DEQ staff only).

ComplaintId: 171433
Status: Closed
Recorded date and time: 3/23/2021 1:36:00 PM (Mountain Time)
Recorder name: Montague, Emily
Kept anonymous: Yes
Enforcement confidential: No
Complainant name: Ex. 6 & 7C Personal Privacy (PP)/Ex. 7(D) Confidential Source
Complainant address:
Complainant phone: Ex. 6 & 7C Personal Privacy (PP)/Ex. 7(D) Confidential Source
Complaint against: Friends Dairy owned by the DeRuyters

Problem description:

Complainant indicated field just south of Pickup Drain and Deer Flat Low Line Canal has slurry application approximately 3 feet thick and concerned about application runoff entering the Canal. Additionally, slurry has been tracked onto Upper Pleasant Ridge Road.

Problem location notes:

Field Ex. 6 PP / Ex. 7(C)/ Ex. 7(D) Confidential Source Caldwell, Idaho 83607

>>Response(s):

Responder Name: Montague, Emily

Date: 3/23/2021 2:59:43 PM

Response:

Complainant contacted DEQ Boise Regional Office on March 19, 2021. IPDES Compliance Supervisor James Craft contacted the complainant on March 21, 2021, and gathered details on the nature of the complaint which entailed the complainant's concern for the amount of manure applied to a field just northwest of Friends Dairy.

The complainant provided Mr. Craft with a map of the complaint details and Ex. 6 & 7C Personal Privacy (PP)/Ex. 7(D) Confidential Source (see below). IPDES Compliance Officer Emily Montague contacted the complainant on March 23, 2021, to receive additional details regarding the nature of the complaint. Complainant indicated the field where the DeRuyter's apply their slurry from Friend's Dairy is leased by a local couple. The complainant indicated the gentleman Ex. 6 Personal Privacy (PP) does not have the time to deal with the over application of slurry.

Complainant thought DeRuyter's Nutrient Management Plan rates fields based on the phosphorus index. Mrs. Montague explained the phosphorus index assesses the transportation risk for soil phosphorus after applied to a field as follows:

Characteristics of the Phosphorus source (fertilizer, manure, biosolids) that influence its solubility and thus the potential for movement or retention of Phosphorus once the source has been applied to a soil.

The concentration and bioavailability of Phosphorus in soils susceptible to loss by erosion.

The potential for soluble Phosphorus release from soils into surface runoff or subsurface drainage.

The effect of other factors, such as hydrology, topography, soil, crop, and Phosphorus source management practices, on the potential for Phosphorus movement from soil to water.

Any “channel processes” occurring in streams, field ditches, etc. that mitigate or enhance Phosphorus transport into surface waters.

The sensitivity of surface waters to Phosphorus and the proximity of these waters to agricultural soils.

Complainant indicated the field slopes towards surface water and does have a berm along the north portion of the field but also has multiple culverts along the north side of the field for the field runoff to drain into Deer Flat Low Line Canal. The main concern has recently derived from the application of slurry to the field 7 days a week straight since March 1, 2021, with no incorporation of the slurry applied. When complainant called ISDA in the fall of 2020, to make a complaint, they inquired when the producer was required to incorporate the slurry and the complainant was told there is no time requirement for incorporation. Complainant also indicated to Mrs. Montague that there was no inspection following his call to ISDA and they are concerned about the special treatment the DeRuyter family is receiving since they bought Friends Dairy from the Vermeer Family. Complainant indicated that the Vermeer son is the Dairy Bureau Chief at ISDA and is concerned his original call did not receive follow up due to conflicts of interest. Complainant requested DEQ look into this issue since ISDA has a potential bias. Additionally, the complainant said the quantity of slurry applied and management from the honey wagon drivers is causing slurry to get tracked onto Upper Pleasant Ridge Road. Complainant Ex. 6 & 7C Personal Privacy (PP)/Ex. 7(D) Confidential Source and an aquifer Ex. 6 & 7C Personal Privacy (PP)/Ex. 7(D) Confidential Source that they are concerned about being contaminated by nitrates.

Mrs. Montague explained that ISDA typically inspects agricultural related complaints and inquired if the complainant has tried reaching out to ISDA since fall of 2020. The complainant indicated they had not because they felt like there would not be a resolution to their concern. Mrs. Montague explained the nature of a nutrient management plan and that the application rate would be dependent on what was included in the nutrient management plan and the index rating score applied or potentially the phosphorus threshold if the field was under the phosphorus threshold rule. Mrs. Montague told the complainant they were welcome to put in a public records request for Friend's Dairy's nutrient management plan and or soil nutrient levels based on the most recent test results through ISDA if they were concerned that the application was over what is allowed. Mrs. Montague asked if it was agricultural runoff that was getting into the canal north of the field or actual slurry and the complainant indicated it was agricultural runoff. Mrs. Montague explained that agricultural runoff is not restricted by the same rules as the release of dairy byproducts to ground water, surface waters of the state, or Waters of the United States. Mrs. Montague explained that the field application rate would fall under the rules of the facility's nutrient management plan based on IDAPA 02.04.30, Rules Governing Nutrient Management.

Complainant requested that Mrs. Montague email a copy of IDAPA 02.04.30, the Idaho Nutrient Management Handbook, and a link to putting in a public records request with ISDA. Following the phone call Mrs. Montague provided the information requested via email and suggested the complainant contact Inspector Patrick Regli with ISDA or Mitch Vermeer Idaho Department of Ag. Bureau Chief.

Completed date: